

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL No. 363 OF 2020
(Arising out of SLP(Crl.)No.9747 of 2018)

PRINCE RAJ

... APPELLANT

Versus

STATE OF BIHAR & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.
2. Aggrieved by the enlargement of the second respondent on bail, in connection with Danapur PS Case No.827/2017 for alleged offences under Sections 420, 406, 468, 471 and 120-B of the Indian Penal Code, the de facto complainant has come up with the above appeal.
3. It is alleged that the second respondent *herein* and a few others were part of a society by name Swarna Jayanti Sewa Samiti, which offered to provide employment opportunities to persons who registered themselves with the society and passed the examinations conducted by the society. According to the prosecution, several persons were lured by the second respondent and his accomplices and huge amounts collected.
4. The appellant *herein*, claiming to be one of the victims, lodged a complaint in Criminal Case No.827 of 2017 against the second respondent for alleged offences under Sections 420, 406, 468, 471 and 120-B of the

Indian Penal Code. The complaint was registered on 16.12.2017. But the second respondent was arrested on 15.12.2017 itself in connection with another criminal complaint lodged by one Reena Kumari on 08.07.2017. Yet another criminal complaint was registered against the second respondent on 14.11.2017 at the instance of person working as senior Programmer in the High Court of Patna on the ground that the second respondent had created mirror image of the official website of the High Court of Patna to entice candidates to part with money on the promise of getting them employments.

5. A final report was filed on 09.02.2018 in the first criminal case filed on 08.07.2017. Immediately thereafter, another final report was filed on 25.05.2018 in the complaint lodged by the appellant *herein*.

6. On 24.03.2018, the application for bail filed by the second respondent was rejected by the Sessions Court. Aggrieved by the said order, the second respondent filed criminal miscellaneous case No.24565 of 2018 on the file of the High Court of Patna. By an order dated 04.07.2018 the High Court granted bail to the second respondent. Challenging the said order the informant is before this Court.

7. The main grievance of the appellant, as projected by Smt. Anjana Prakash, learned Senior Counsel appearing for the appellant, is that the High Court failed to take note of the fact that the second respondent is involved in several criminal complaints and that he had even gone to the extent of faking the website of the High Court of Patna to create orders of

appointment, with a view to collect money from several individuals. The learned Senior Counsel filed a list of 14 criminal complaints filed against the second respondent and his accomplices and contended that the release of the second respondent at this stage will hamper the trial.

8. The learned standing counsel for the State supported the appellant, though the State did not come up with a special leave petition against the order of the High Court granting bail.

9. Opposing the appeal, it was argued by Mr. Kumar Dushyant Singh, learned Advocate-on-Record for the second respondent that the second respondent happened to be the Secretary of Swarna Jayanti Sewa Samiti and that though all activities were carried out by a person by name Raj Singh, who was the Chief Administrative Officer of the Society in connivance with one Reena Kumari, the second respondent was also roped in due to his occupation as the Secretary. According to the learned counsel, the second respondent worked as Secretary during the period from July-2016 to March-2017 and that he was not involved in any offence. The learned counsel for the second respondent also relied upon the decision of this Court in ***Myakala Dharmarajam & Ors. Vs. state of Telangana & Ors.***¹ to contend that cancellation of bail can be ordered only when there are serious infirmities in the order granting bail, resulting in miscarriage of justice.

10. We have carefully considered the rival submissions. At the outset, we should point out that the impugned order of the High Court is bereft of reasons. As pointed out by this Court in the very decision relied upon by the learned counsel for the second respondent, cancellation of bail can be ordered, if the order granting bail ignores relevant materials. In the impugned order there is absolutely no indication whether the pendency of several criminal complaints against the second respondent was taken note of.

11. Allegedly, there were 14 criminal complaints registered against the second respondent. However, the second respondent claims that there were only 11 criminal complaints. But even according to the second respondent, he was granted bail in 8 out of 11 complaints. He was not granted bail in at least 3 cases.

12. In respect of one case bearing No.24/2018 in Phulwari, the bail petition of the second respondent is said to have been rejected twice by the High Court. In respect of the complaint in Crime No.1047(c)/2017 Danapur, bail is stated to have been cancelled for non-furnishing of the bail bond. Again in respect of Crime No.542/2019 Danapur, bail was rejected very recently.

13. Though the rejection of bail in two of the cases mentioned above have happened subsequent to the impugned order, the fact remains that there were 14 criminal complaints filed against the second respondent and others. Most of these complaints are filed in the year 2017 and 2018.

Therefore, while ordering the grant of bail, the High Court ought to have atleast applied its mind to the pendency of so many criminal complaints, the stage at which the investigation/trial stood and various other factors which provide the substantial parameters.

14. Since the High Court has failed to take note of any of the above factors, the impugned order is liable to be set aside. Accordingly, the appeal is allowed and the impugned order is set aside.

15. It is made clear that any observation made herein may not stand in the way of the consideration of any fresh bail application moved by the second respondent. They may not also be taken to be a finding on merits.

.....J
(N.V. Ramana)

.....J
(V. Ramasubramanian)

New Delhi
February 14, 2020.

ITEM NO.31

COURT NO.2
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION II-A

Petition for Special Leave to Appeal (Crl.) No.9747/2018
(Arising out of impugned final judgment and order dated 04-07-2018
in CRLMN No. 24565/2018 passed by the High Court of Judicature at
Patna)

PRINCE RAJ

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

(IA No. 160866/2018 - EXEMPTION FROM FILING O.T., IA No.155354/2018
- EXEMPTION FROM FILING O.T. AND IA No. 160865/2018 - PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mrs. Anjana Prakash, Sr. Adv.
Mr. Anuj Prakaash, Adv.
Ms. Aditi Kumar, Adv.
Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr. Saket Singh, Adv.
Mrs. Sangeeta Singh, Adv.
Mrs. Niranjana Singh, AOR

Mr. Kumar Dushyant Singh, AOR
Mr. Sanjeev Kumar Singh, Adv.
Mr. Shighra Kumar, Adv.
Mr. William Vinod Kumar, Adv.
Mr. Gaurav Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications filed in the matter also stand disposed
of.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)

